

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-721-KK**

Date: November 30, 2023

Title: ***Nationwide Mutual Insurance Company v. Pipe Constructors, Inc. et al***Present: The Honorable **KENLY KIYA KATO**, UNITED STATES DISTRICT JUDGE

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute

On April 24, 2023, plaintiff Nationwide Mutual Insurance Company (“Plaintiff”) filed a Complaint against defendant Pipe Constructors, Inc. (“Defendant”). ECF Docket No. (“Dkt.”) 1. On June 16, 2023, Plaintiff served the summons and Complaint on Defendant. Dkt. 30. Defendant was required to answer the Complaint within 21 days after the Complaint was served, i.e., no later than July 31, 2023. See FED. R. CIV. P. 12(a)(1)(A). Defendant has not filed an answer to the Complaint. However, Plaintiff has not filed a request for entry of default against Defendant.

On August 7, 2023, Plaintiff filed an initial request to enter default against Defendant. Dkt 35. On August 8, 2023, the Clerk of Court entered a notice of deficiency regarding Plaintiff’s request and instructed Plaintiff to file a new, corrected request for reconsideration. Dkt. 36. Since then, Plaintiff has not filed a request for reconsideration.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed as to Defendant for failure to prosecute. Plaintiff shall have **up to and including December 8, 2023** to respond to this Order. Plaintiff may discharge this Order to Show Cause by filing a request for entry of default against Defendant.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to Defendant for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.